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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,743	10/27/2003	Cheryl Phillips	34250-1102	6300

7590 09/11/2008
Malvern U. Griffin III
SUTHERLAND ASBILL & BRENNAN LLP
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EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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09/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,743	Applicant(s) PHILLIPS ET AL.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Responsive to Amendment received June 30, 2008. Claims 1, 2, 4, 9, 14, 17, 22, 27, 34, and 37 have been amended. Claims 1-45 remain pending.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

In the remarks, the Applicant argues with substance that Goeller fails to disclose or suggest the use of "a plurality of user selectable identifiers associated with the merchant, wherein each of the plurality of user selectable identifiers is assigned to at least one selected type of check transaction". In response, the Examiner respectfully disagrees. Goeller teaches that the transaction is formatted into a check authorization message and one of three service options is selected automatically or manually. The message includes a processing code to identify the service transaction that the merchant desires (**see at least paragraphs [0040, 0057-0059], Tables 1 and 2**). The Applicant further argues that these service options are "not identifiers associated with the merchant". The Examiner respectfully disagrees and asserts that the identifiers are selected by the merchant and therefore are associated with the merchants desired transaction type.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for

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patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Goeller et al (US Publication No. 2002/0178112).

4. As per claim 1, Goeller et al teach a system for electronically processing a check received by a merchant, comprising:

a point-of-sale device that electronically converts the check and wherein the point-of-sale device allows such electronic conversion of the check **(see at least paragraphs [0012, 0039-0040]; POS used to convert paper checks into electronic fund transactions)** under one of a plurality of user selectable identifiers associated with the merchant; wherein each of the plurality of user selectable identifiers is assigned to at least one selected type of check transaction **(see at least paragraphs [0040, 0057-0059], Tables 1 and 2);**

a check processing service linked to the point-of-sale device to receive information about the converted check from the point-of-sale device **(see at least paragraph [0039]; POS check service)** wherein the check processing service performs an authorization process on the check and notifies the merchant via the point-of-sale device of an authorize or decline decision depending on the identifier under which the check was converted **(see at least paragraphs [0040, 0057]);**

wherein at least one of the plurality of user selectable identifiers causes the point-of-sale device and

the check processing service to convert and authorize the check as an accounts receivable check **(see at least paragraphs [0081-0082, 0096])** in a manner that is different

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than that for a check received in a face-to-face transaction **(see at least paragraphs [0091-0096; non-face to face transactions])**.

5. As per claim 2, Goeller et al teach wherein the point-of-sale device comprises a location-base device **(see at least paragraph [0049, 0054])**.

6. As per claim 3, Goeller et al teach wherein the electronic conversion of the check comprises scanning of the check to read the check's magnetic ink character recognition line and to obtain an image of at least a portion of the check **(see at least paragraphs [0039, 0049])** .

7. As per claim 4, Goeller et al teach wherein the plurality of user selectable identifiers includes an option on the point-of-sale device that, when selected, puts the point-of-sale device into a mode for processing accounts receivable checks **(see at least paragraph [0039, 0049])**.

8. As per claim 5, Goeller et al teach wherein the point-of-sale device in the accounts receivable mode facilitates the check processing service keeping track of accounts receivable checks processed **(see at least paragraph [0081, 0106]; settlement total)** .

9. As per claim 6, Goeller et al teach wherein the point-of-sale device in the accounts receivable mode does not issue a check transaction receipt for the accounts receivable check **(see at least paragraphs [0091-0096; POS device does not issue receipts for non-face to face transactions])**.

10. As per claim 7, Goeller et al teach wherein the check processing service authorizes or declines the check by performing a risk assessment of the check **(see at least paragraphs [0040-0041])**.

11. As per claim 8, Goeller et al teach wherein the check processing service performs the authorization process and notifies the merchant of its decision in a manner that depends at least on a level of service subscribed by the merchant wherein the level of service includes the check

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processing service guaranteeing or purchasing check transactions it authorizes thereby assuming at least some of the risk associated with the check (**see at least paragraphs [0041]**).

12. As per claim 9-45, these claims contain similar limitations as claims 1-8 above, therefore are rejected under the same rationale.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers/paragraph numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
September 3, 2008
/R. R./
Examiner, Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627